

**UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

SHAMARA T. KING, on  
behalf of herself and all others similarly  
situated,

Plaintiff,

v.

GENERAL INFORMATION SERVICES,  
INC.,

Defendant.

Case No.: 2:10-cv-06850-PBT

**DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56, Defendant General Information Services, Inc. (“GIS”) respectfully moves this Court to enter summary judgment in favor of GIS on all of Plaintiff’s claims.

The Fair Credit Reporting Act (“FCRA”) seeks to curb abuses in the reporting of credit and criminal record data that result in incomplete, inaccurate, and misleading information appearing in consumer reports. To that end, the statute requires – in numerous places – that consumer reporting agencies report *complete* information, and gives consumers an avenue by which to challenge information for being too incomplete. That fact notwithstanding, Plaintiff’s Complaint seeks to hold GIS liable for being *too complete*.

Plaintiff’s claim under FCRA § 1681c fails for numerous reasons:

- First, GIS reported only Plaintiff’s complete records of conviction, which is reportable under the statute regardless of age.

- Second, even if the Court disagrees with GIS's interpretation of § 1681c, it was not *objectively unreasonable* and, as illustrated in recent Supreme Court and Third Circuit precedent, is thus not sufficient to support Plaintiff's claim for liability.
- Third, the information that GIS reported was not "adverse" and, as such, as not prohibited by § 1681c.

Because the information that GIS reported had no bearing on Plaintiff's inability to seek employment, Plaintiff lacks injury-in-fact sufficient to confer Article III standing and summary judgment is appropriate on all of her claims.

Further, § 1681c is an unconstitutional restriction of GIS's right to free speech.

Finally, Plaintiff's claim under FCRA § 1681k fails because the information that GIS reported is uncontroversially complete and update to date, as required by the statute.

Undersigned counsel affirms, pursuant to Federal Rule of Civil Procedure 11, that, to the best of counsel's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, there is no legally sufficient basis to prevent the Court from ruling as a matter of law as to the issues identified above.

For these reasons, and as set forth more fully in GIS's accompanying memorandum of law, GIS requests that the Court enter summary judgment in favor of GIS and against Plaintiff.

*[signature on the following page]*

Respectfully submitted this 30th day of April, 2013.

/s/ Robert E. Campbell

Robert E. Campbell  
WHITE & WILLIAMS LLP  
LibertyView, Suite 400  
457 Haddonfield Rd.  
Cherry Hill, NJ 08002-2220  
Telephone: (856) 317-3600

Cindy D. Hanson (admitted *pro hac vice*)  
John P. Jett (admitted *pro hac vice*)  
KILPATRICK TOWNSEND &  
STOCKTON LLP  
1100 Peachtree Street, Suite 2800  
Atlanta, GA 30309  
Telephone: (404) 815-6500

*Counsel for Defendant General Information Services, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 30, 2013, I electronically filed the foregoing **DEFENDANT'S MOTION FOR SUMMARY JUDGMENT** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to all attorneys of record:

Noah Axler  
DONOVAN SEARLES, LLC  
1845 Walnut St.  
Ste 1100  
Philadelphia, PA 19103  
215-732-6067  
Fax: 215-732-8060  
Email: naxler@donovansearles.com

James A. Francis  
John Soumilas  
Erin A. Novak  
FRANCIS & MAILMAN, PC  
Land Title Bldg 19th Floor  
100 S. Broad St.  
Philadelphia, PA 19110  
215-735-8600  
Fax: 215-940-8000  
Email: jfrancis@consumerlawfirm.com

Janet F. Ginzberg  
Michael G. Hollander  
COMMUNITY LEGAL SERVICES  
1424 Chestnut Street  
Philadelphia, PA 19102  
215-981-3794  
Email: jginzberg@clsphila.org  
Email: mhollander@clsphila.org

Tony West  
Maame Ewusi-Mensah Frimpong  
Michael S. Blume  
Kenneth L. Jost  
Gerald C. Kell  
U.S. DEPARTMENT OF JUSTICE  
P.O. Box. 386  
Washington, D.C. 20044  
Email: gerald.kell@usdoj.gov

---

/s/ Robert E. Campbell  
Robert E. Campbell

*Counsel for Defendant General Information Services, Inc.*